

REMARKS

Reconsideration of this application is respectfully requested in view of the above amendments and the remarks contained herein.

PENDING CLAIMS AND SUPPORT FOR AMENDMENTS

Upon entry of this amendment, claims 1-15 will be pending in this application. Applicant has amended the claims to clarify that the transmissions on which the result of transmission is uncertain are those that have been previously sent. Support for this clarification can be found throughout the specification, but in particular in Table 1 at page 9 of the specification, and at page 5, lines 11-22.

INTERVIEW SUMMARY

Applicant expresses appreciation to the Examiner and her supervisor for the courtesies extended to Applicant's representative at the personal interview conducted on March 29, 2010.

At the interview, it was confirmed that the Office is relying upon the communication management report shown in Figure 19 of Sugawara et al. in making the obviousness rejection noted below. Further, it was agreed that Figure 19 of Sugawara et al. does not describe a previously sent transmission on which the result of transmission is uncertain when the transmission management report is issued. It was further agreed that Sakao et al. does not cure this deficiency in Sugawara et al.

OBVIOUSNESS REJECTION

On pages 2-6 of the Office action dated December 30, 2009, the Office has rejected claims 1-15 under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2002/0019848 (Sugawara et al.) in view of U.S. Patent No.

7,188,068 (Sakao et al.). Applicant respectfully traverses this rejection for the reasons given below.

As a preliminary matter, Applicant notes that this is the fifth response filed by Applicant with respect to a rejection for obviousness based upon the alleged teachings of Sugawara et al. With each response, the Office has made a new ground of rejection, attempting to cure the deficiencies of Sugawara et al. by combining it with yet another secondary reference. In each case, this new combination of references was made in response to either a request for reconsideration (with no amendment of the claims) or to an amendment that made minimal changes (if any) to the scope of the claims. In each case, the newly applied secondary reference is even further removed from Applicant's claims than the previously applied secondary references. The present Office action (the fifth Office action in this application) conforms to this pattern. Applicants submit that this style of examination does not conform to the MPEP, does not conform to the principles of compact prosecution, and is itself strong evidence that the claims are not obvious, since if they were obvious, the current iteration of secondary reference would have been apparent to the Office when the first Office action was issued.

The Office action admits that:

Sugawara'848 (although shows issuing the transmission report) fails to specifically show a controller which issues a transmission management report at predetermined timings, describing a result of transmission for a plurality of transmissions in the transmission management report.

Office action dated December 30, 2009 at page 3, lines 8-11.

In yet another attempt to cure this deficiency, the Office states:

Sakao'068 teaches a network facsimile apparatus which

issues a transmission management report at predetermined timings (i.e., every time an update is made to a download/transmission record this information is stored and transmission of this record can be done at predetermined timings. See Paragraphs 9-11, 17, 22, 30-32, 60 and 73 also See Figures 5-6 and 10).

Having the system of Sugawara'848 and then given the well-established teaching of the Sakao'068, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as suggested by the combination of Sugawara'848 with the teachings of Sakao'068, by letting the user to predetermine timings where the management reports are issued to improve the users convenience and prevent duplication of information and lack of information record as by having accurate and up to date management reports.

Office action dated December 30, 2009 at page 3, lines 12 to page 4, line 2.

First, as Applicants have repeatedly explained, Sugawara et al. does not describe the issuance of a communication management report for a plurality of users and transmissions. The Office cites (for the first time in the fifth Office action) paragraphs [0203] to [0213] of Sugawara et al. for such a disclosure. However, the two of the reports described as being "outputted" are the DNS error report (paragraph [0207]) and the transmission result report (paragraph [0208]). Neither of these reports contain transmission results for a plurality of transmissions, as can be clearly seen by a review of the transmission result report shown in Figure 20. It is noteworthy that the "outputting" of the reports described in the portions of Sugawara et al. cited by the Office, is not described with any specificity. Accordingly, Applicant submits that this does not correspond to issuance of a report as recited in Applicant's claims.

Second, the report disclosed in Sugawara et al. upon which the Office appears to rely is the communication management report shown in Figure 19

thereof. This report lists a number of messages. Of these, the status of messages 0002 and 5001-5007 is clearly indicated as "OK". These messages therefore are not those for which the result of transmission is uncertain. In addition, messages 0001 and 0003 are also not messages for which the result of transmission is uncertain, as these are designated "NG". Message 0004 is the only message listed in the communication management report for which neither "OK" nor "NG" is provided. However, the "MODE" column of Figure 19 clearly indicates that this message is "SENDING." As clarified by the present amendment, Applicant's apparatus contains a controller that describes in a transmission management report previously sent transmissions on which the result of transmission is uncertain. Message 0004 is not such a transmission, as it is not previously sent at the time the communication management report of Figure 19 is created.

Third, Sakao et al. does not cure the deficiencies of Sugawara et al. noted above and in Applicants' prior four responses. Although Sakao et al. does not contain paragraph numbers, so that it is difficult to understand which portions thereof the Office is relying upon, it appears that Sakao et al. merely discloses transmitting data to a transmission destination, and that this may occur at predetermined timings. See Sakao et al. at column 2, lines 39-52. This does not constitute a suggestion to modify the teachings of Sugawara et al. to (1) issue the communication management report of Figure 19 of Sugawara et al., or (2) to do so at predetermined intervals. This also does not constitute a suggestion to issue the communication management report of Figure 19 of Sugawara et al. to contain previously sent transmissions for which the result is uncertain. Accordingly, even if the references are combined in the manner suggested in the Office action, the result is not Applicants' claimed invention.

For these reasons, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness, and that this rejection should be withdrawn.

CONCLUSION

Applicants submit that this application is in condition for immediate allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions about this application, or believes that any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned to arrange for a personal or telephonic interview to resolve these issues prior to the issuance of another Office action.

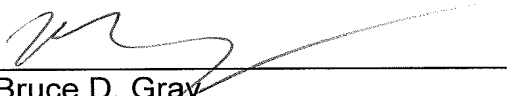
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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